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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,323	01/20/2004	Gideon Roberts	1578.616	9787

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EXAMINER

EKONG, EMEM

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. ¹⁻⁵ Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2003/0218995 A1 to Kim et al. (Kim) in view of U S Patent No. 5757772 to Thronberg et al. (Thronberg).

Regarding claims 1 and 3, Kim discloses a method and apparatus for taking measurements in a mobile telecommunications system, the system comprising a network of a plurality of cells and at least one user equipment device (par. 3), the method comprising, at the user equipment device: receiving a measurement control set-up command; in response setting up the measurements (par. 44); monitoring for a change in state of the UE and, in response to a change in state (pars. 48-52, and 89-90, UTRAN monitors the quality of system).

However, Kim fails to disclose issuing a measurement control pause command; on receipt of a measurement control pause command, stopping taking measurements and maintaining the measurement settings initialised previously; monitoring for a change in state of the UE and, in response to a change in state, issuing a measurement control resume command; and on receipt of a measurement control resume command, resuming taking measurements with the maintained measurement settings.

Thronberg discloses issuing a measurement control pause command; on receipt of a measurement control pause command, stopping taking measurements and maintaining the measurement settings initialized previously; monitoring for a change in state of the UE and, in response to a change in state, issuing a measurement control resume command; and on receipt of a measurement control resume command,

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resuming taking measurements with the maintained measurement settings (col. 15 lines 4-30, and col. 15 line 45-col. 16 line 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kim, and have a measurement control pause command; on receipt of a measurement control pause command, stopping taking measurements and maintaining the measurement settings initialized previously; monitoring for a change in state of the UE and, in response to a change in state, issuing a measurement control resume command; and on receipt of a measurement control resume command, resuming taking measurements with the maintained measurement settings as disclosed by Thronberg for the purpose of system supervision.

Regarding claims 2, 4, and 5, the combination of Kim and Thronberg discloses a method and apparatus according to claim 1 further comprising the RRC layer sending a measurement control pause command to layer 1, which in response stops taking measurements and maintains the measurement settings initialized previously; and the RRC layer sending a measurement control resume command to layer 1, which in response resumes taking measurements with the maintained measurement settings (col. 15 lines 4-30, and col. 15 line 45-col. 16 line 60).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571 272 7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EOE
09/01/2006



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